

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1368**

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**Introduced by Assembly Member Pan**

February 18, 2011

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An act to ~~amend Section 48070 of~~ *add Section 48071* to the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1368, as amended, Pan. ~~Pupil promotion and retention. Pupils:~~ *California Healthy Kids Survey.*

*Existing law requires the Commission on Teacher Credentialing, the State Board of Education, and the State Department of Education to provide to the State Chief Information Officer the individual nonpersonally identifiable or aggregate data related to, among other things, pupil assessment and accountability, including, but not limited to, data generated from, or related to, adequate yearly progress, graduation rates, pupils who drop out of school, and demographics of pupils and teachers.*

*Existing law requires the Superintendent of Public Instruction, on or before August 1, 2011, and annually thereafter, to submit to the Governor, the Legislature, and the State Board of Education a report called the Annual Report on Dropouts in California. Existing law requires the report to include specified information and authorizes the report to include relevant data on school climate and pupil engagement from the California Healthy Kids Survey.*

*This bill would require a school district to administer the California Healthy Kids Survey to pupils in grades 5, 7, 9, and 11, and would require a school district to comply with specified parent and guardian*

*notification and consent provisions prior to administering the survey, thereby imposing a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the governing board of each school district and each county superintendent of schools to adopt policies regarding pupil promotion and retention and requires a pupil to be promoted or retained only as provided in the policies adopted pursuant to specified law.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 48071 is added to the Education Code,  
2     to read:

3     48071. (a) Except as provided for in subdivision (b), a school  
4     district shall administer the California Healthy Kids Survey to  
5     pupils in grades 5, 7, 9, and 11.

6     (b) Prior to administering the California Healthy Kids Survey,  
7     a school district shall comply with the parent and guardian  
8     notification and consent provisions contained in Section 51513  
9     and subdivision (b) of Section 51938.

10    SEC. 2. If the Commission on State Mandates determines that  
11    this act contains costs mandated by the state, reimbursement to  
12    local agencies and school districts for those costs shall be made  
13    pursuant to Part 7 (commencing with Section 17500) of Division  
14    4 of Title 2 of the Government Code.

15    ~~SECTION 1. Section 48070 of the Education Code is amended~~  
16    ~~to read:~~

17    ~~48070. The governing board of each school district, and each~~  
18    ~~county superintendent of schools, shall adopt policies regarding~~  
19    ~~pupil promotion and retention. A pupil shall not be promoted or~~

1 retained except as provided for in the policies adopted pursuant to  
2 this article.

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